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First Ammended Complaint.

7-29-2022

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Eugene DIVISION

Christopher P. Lindbo

(Enter full name of plaintiff)

Plaintiff,

v.

Civil Case No. 6:22-cv-898-MK

(to be assigned by Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS (PRISONER COMPLAINT)

City of Reedsport, and

Brent Snyder in his

individual capacity

(Enter full name of ALL defendant(s))

Jury Trial Demanded

☒ Yes

☐ No

First Ammended Complaint

Defendant(s).

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: Christopher Paul Lindbo

Street Address: 1413 Hawthorne Ave Spc #3

City, State & Zip Code: Reedsport Or, 97467

Telephone No.: 907-315-5517

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Defendant No. 1

Name: City of Reedsport
 Street Address: 146 N 4th St
 City, State & Zip Code: Reedsport Or 97467
 Telephone No.: 541-271-2100

Defendant No. 2

Name: Brent Snyder
 Street Address: 146 N 4th St
 City, State & Zip Code: Reedsport Or 97467
 Telephone No.: 541-271-2100

Defendant No. 3

Name: _____
 Street Address: _____
 City, State & Zip Code: _____
 Telephone No.: _____

Defendant No. 4

Name: _____
 Street Address: _____
 City, State & Zip Code: _____
 Telephone No.: _____

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

Unlawful Seizure 4th amendment to the U.S.
Constitution; 42 USC 1983, Due process violation
14th amendment to the U.S. Constitution; 42
USC 1983 against defendant City of Reedsport

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

03/21/2021
on 03/21/2021, plaintiff was pulled
over for expired temporary tags
on or near (Reedsport 76 gas station)
address 1070 US 101 Reedsport
Oregon 97467. In Douglas County
Oregon. Defendant Snyder comes
to the vehicle (
request identification from Plaintiff,
when Plaintiff explains he forgot it
Defendant Snyder pulls open
plaintiff's door. - continued

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Plaintiff then, scared and
traumatized rip's out taser prongs.

The events giving rise to this complaint occurred in the Eugene Division of the District of Oregon. At all times material to this complaint, Reedsport City Police (hereafter, 'defendant RPD') is a government organization operating in the District of Oregon, and Defendant Brent Snyder (hereafter, 'Defendant Snyder') is an employee of Defendant RPD, working as a Police officer.

This court has original jurisdiction of the federal claims contained in this Complaint pursuant to 28 USC 1331 and supplemental jurisdiction of the state law claim pursuant to 28 USC 1367.

Claim 1 continued

Plaintiff in shock jumps to passenger seat. When plaintiff gets out of vehicle Defendant Snyder deployed his taser, striking Plaintiff in the chest. At no time was Plaintiff

and Defendant Snyder deploys his taser again. Rendering Plaintiff unconscious and with multiple facial fractures. At no time was Plaintiff resisting arrest. At no time was Plaintiff under arrest.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Plaintiff was then taken to hospital (Lower Umpqua Hospital) located at 600 Ranch Road in Reedsport Oregon 97467 where Plaintiff was unconscious for many hours and was treated for two fractures to Plaintiff's eye socket and two facial fractures as well.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

Supplemental jurisdiction of
the state law claim pursuant
to 28 USC 1367

Claim 1 continued

Plaintiff in shock jumps to
passenger seat. When plaintiff
gets out of vehicle Defendant
Snyder deployed his taser,
striking Plaintiff in the chest.
At no time was Plaintiff
under arrest.

Claim 4

Plaintiff and his family
have endured a number
of retaliatory harassment
events by Defendant Snyder

revolving around the topic of plaintiff verbally expressing his right to pursue civil action against Defendant's RPD and Defendant Snyder.

~~whereas~~

Upon information and belief, Defendant RPD has a policy, practice, or custom of allowing officers to use excessive force and deploy their tasers without cause. In the alternative, Defendant RPD has failed to properly train their officers relating to proper use of force. This policy and/or this failure to train is a direct cause of plaintiff's damages.

Upon information and belief, Defendant RPD has a policy, practice, or custom of failing to take proper training in traffic stops. In the alternative, Defendant's RPD has

force. This policy and/or this failure to train is a direct cause of plaintiff's damages.

Upon information and belief, Defendant RPD has a policy, practice, or custom of failing to take proper training in traffic stops. In the alternative, Defendants RPD has failed to properly train their officers relating to constitutionally valid vehicle stops. This policy and/or failure to train is a direct cause of Plaintiff's damages.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

unlawful Seizure 4th amendment to
the U.S. constitution; 42 USC 1983 -
against all Defendants) Defendants'
seizure of Plaintiff in the form of
tasing him before his arrest
was an excessive use of force,
in violation of Plaintiff's Constitutional
rights under the 4th amendment.
Defendants' actions have caused Plaintiff
non-economic damages due to pain,
suffering, humiliation and inconvenience

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29 day of July, 2022

C. P. Lindbo
 (Signature of Plaintiff)

in the amount of \$200,000. Plaintiff
also seeks \$600,000 in punitive

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damages

Claims for relief

First claim for relief

unlawful seizure 4th Amendment to U.S. Constitution; 42 USC 1983-against all defendants

Defendants seizure of Plaintiff in the form of tasing him while he was never under arrest twice was an unnecessary excessive use of force, in violation of Plaintiffs constitutional rights under the 4th amendment. Defendants actions have caused Plaintiff non-economic damages due to pain, suffering, humiliation, and inconvenience in the amount of 400,000. Plaintiff also seeks 600,000 in Punitive damages.

Second claim for relief - ^{Battery against defendant Snyder}

Defendant Snyder tasing of Plaintiff constitutes battery under Oregon Civil law. Defendant Snyder's actions have caused Plaintiff non-economic damages due to pain, suffering, humiliation, and inconvenience in the

damages.

Second claim for relief - ^{Battery against} Defendant Snyder tasing of Plaintiff constitutes battery under Oregon Civil law. Defendant Snyder's actions have caused Plaintiff non-economic damages due to pain, suffering, humiliation, and inconvenience in the amount of 200,000.

Third claim for relief
Unlawful entry 4th amendment to the U.S. Constitution 42 USC 1983 against all defendants. Defendants entry into Plaintiff's vehicle was warrantless unreasonable and a violation of

Plaintiffs Constitutional rights under the 4th amendment. Defendants actions have caused Plaintiff non economic damages in the amount of 200,000 and Plaintiff also seeks 600,000 in punitive damages.

fourth claim for relief
Due process violation: 14th amendment to the US Constitution 42 USC 1983 against Defendant RPD

Defendants RPD's failure to provide continued medical care to Plaintiff violates his due process rights under the 14th amendment. Defendant RPD's actions have caused Plaintiff non-economic damages due to pain, suffering, humiliation and inconvenience in the amount of 200,000. Plaintiff also seeks 600,000 in punitive damages.

Defendant RPD's actions have caused Plaintiff non-economic damages due to pain, suffering, humiliation and inconvenience in the amount of 200,000. Plaintiff also seeks 600,000 in punitive damages.

Prayer for relief

Wherefore Plaintiff requests the following relief.

- A money award judgement entered against defendants for 1.8 million representing the following

400,000 in non-economic damages for Plaintiff's 1st and 3rd claims for relief.

600,000 for Plaintiff's 1st and 4th claim for relief

200,000 and 600,000 in non economic and punitive damages for 2nd and 4th claim for relief.